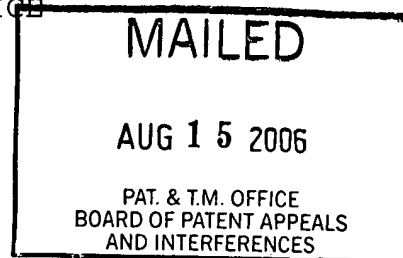


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte JOHN ANDREW AIKEN, JR., WESLEY MCMILLAN DEVINE
and DAVID ANTHONY HERR

Application No. 09/862,642

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 11, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On February 23, 2006, the examiner mailed an examiner's answer. A review of the file reveals that the Evidence Relied Upon section, paragraph (8), is missing. Before further review, the examiner must submit a revised examiner's answer that will include the Evidence Relied Upon section and the list of references mentioned in the statement of rejections in the

Application No. 09/862,642

Grounds of Rejection section, paragraph (9), of the examiner's answer. See Manual of Patent Examining Procedure § 1207.02.

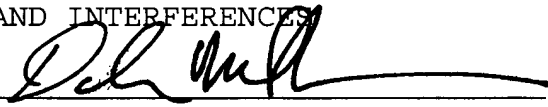
Appropriate correction is required.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) the issuance of a revised Examiner's Answer, having the section "Evidence Relied Upon," listed, paragraph (8); 2) list references under appropriate heading; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


Dale M. Shaw
Deputy Chief Appeal Administrator
(571) 272-9797

cc: MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

DMS/lbg